

Item #

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Orange Boulevard Rezone From A-1 to R-1A

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date 08/03/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); (Anthony Nasko, Applicant); or
2. Recommend DENIAL of the request to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); (Anthony Nasko, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. Carey)

(Tony Walter, Asst. Planning Manager)

BACKGROUND:

The applicant, Anthony Nasko, originally requested to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1 (Single-Family Dwelling District). Subsequently the applicant withdrew that request and now requests a rezone to R-1A based on staff's determination that R-1 is not compatible. The requested zoning to R-1A allows lots with a minimum size of 9,000 square feet and lot width of 75 feet. The future land use of the subject property is LDR (Low Density Residential), which permits a maximum density of four (4) dwelling units per acre.

Section 30.1380.3 of the Land Development Code requires the application of the Weighted Method for Determining Single-Family

Reviewed by: _____
Co Atty: RR
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2005-034

Residential Compatibility in Residential Land Use. The analysis does not support the original request to rezone to R-1. The resulting weight of 8 corresponds to R-1A zoning, instead of the original request for R-1 zoning.

STAFF RECOMMENDATION:

Staff recommends APPROVAL to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); (Anthony Nasko, Applicant, as supported by the Weighted Method for Determining Single-Family Residential Compatibility.

Attachments:

Staff Analysis
Locator Map
FLU/Zoning Map
Plat
Aerial map
Ordinance

July 7, 2005 Letter

ORANGE BOULEVARD REZONE A-1 TO R-1

| REQUEST INFORMATION | | |
|---------------------|--|-------------------------|
| APPLICANT | Anthony Nasko | |
| PROPERTY OWNER | Anthony Nasko & Ludmis Antonos | |
| REVISED REQUEST | Rezone property from A-1 (Agriculture District) to R-1A (Single- Family Dwelling District) | |
| HEARING DATE (S) | P&Z: August 3, 2005 | BCC: September 27, 2005 |
| PARCEL ID | 16-19-30-5AB-0600-0070 | |
| LOCATION | The south side of Orange Boulevard and opposite Stargazer Terrace. | |
| FUTURE LAND USE | LDR (Low Density Residential) | |
| FILE NUMBER | Z2005-034 | |
| COMMISSION DISTRICT | #5 – Carey | |

OVERVIEW

Zoning Request: The applicant, Anthony Nasko, originally requested to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1 (Single-Family Dwelling District). Subsequently the applicant withdrew that request and now requests a rezone to R-1A based on staff's determination that R-1 is not compatible. The requested zoning to R-1A allows lots with a minimum size of 9,000 square feet and lot width of 75 feet. The future land use of the subject property is LDR (Low Density Residential), which permits a maximum density of four (4) dwelling units per acre. The minimum area regulations for the R-1A (Single-Family Dwelling Districts) are as follows:

| R-1A AND R-1 DISTRICT REGULATIONS | |
|-----------------------------------|-------------------|
| | R-1A |
| Minimum Lot Size | 9,000 square feet |
| Minimum House Size | 1,100 square feet |
| Minimum Width at Building Line | 75 feet |
| Front Yard Setback | 25 feet |
| Side Yard Setback | 7.5 feet |
| (Street) Side Yard Setback | 25 feet |
| Rear Yard Setback | 30 feet |

Section 30.1380.3 of the Land Development Code requires the application of the Weighted Method for Determining Single-Family Residential Compatibility in Residential Land Use. The analysis does not support the requested rezone to R-1. The resulting weight of 8 corresponds to R-1A zoning, instead of the original request for R-1 zoning. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1 district, with a minimum lot size of 8,400 square feet, has a weight factor of 9, while A-1, which requires

one-acre lots, has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7. Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property.

Existing Land Uses:

Existing future land use and zoning for the subject and abutting properties are as follows:

| | | | | |
|--------|--|---|--|--------|
| | (North) | | | |
| | SE Single-Family <i>A-1</i> | PD Single-Family <i>PUD</i> | PD Single-Family <i>PUD</i> | |
| (West) | PD Single-Family <i>PUD</i> | (SUBJECT PROPERTY) LDR Vacant <i>A-1</i> | MDR Single-Family <i>R-AH</i> | (East) |
| | PD Single-Family <i>PUD</i> | PD Single-Family <i>PUD</i> | PD Single-Family <i>PUD</i> | |
| | (South) | | | |

For more detailed information regarding zoning and land use, please refer to the attached maps.

SITE ANALYSIS:

Facilities and Services:

Adequate public facilities and services must be available concurrent with the impacts of development. The applicant submitted an Affidavit of Concurrency Review Deferral. At the time of subdivision review, the applicant is required to submit an application for concurrency review.

The site is located in the Northwest Service Area, where water capacity for new development is limited. Capacity availability is determined during the concurrency process. There is a 12 inch water main and a 4-inch force main on the south side of Orange Boulevard.

A letter confirming utility capacity for potable and reclaimed water is required at the time of subdivision review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Orange Boulevard to the north, which is classified as a minor collector with a level of service "A". Staff determined that the proposed access to the site should align with Stargazer Terrace to the north.

Compliance with Environmental Regulations:

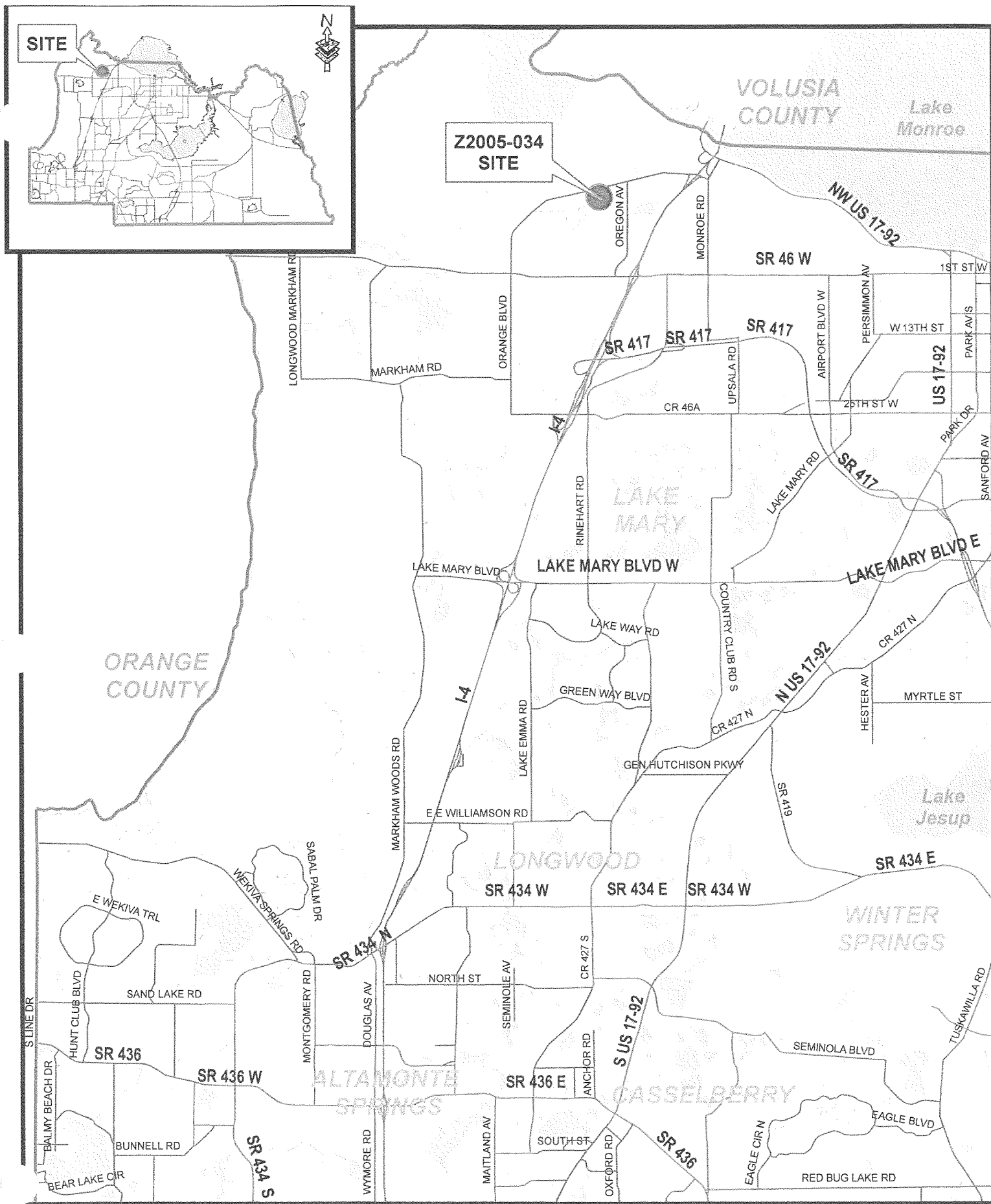
A Conservation Easement dedicated to Seminole County is required over wetlands and required upland buffers at the time of subdivision approval. A mitigation plan for any proposed wetland impacts and a listed species survey must be submitted before final engineering approval.

Compatibility with Surrounding Development:

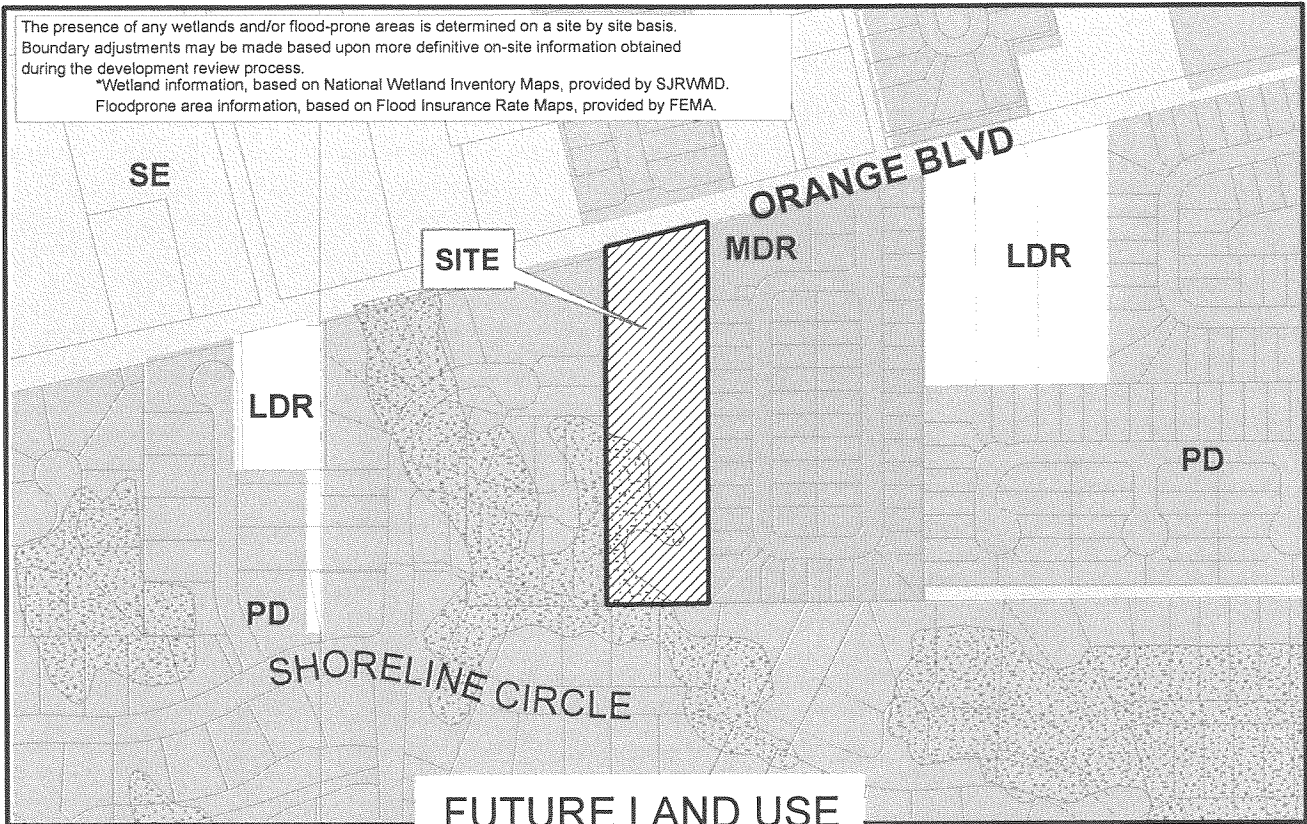
Staff conducted a lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy 2.10 of the Vision 2020 Comprehensive Plan. The Weighted Method for Determining Single-Family Residential Compatibility supports the request for R-1A zoning.

STAFF RECOMMENDATION:

Based on the stated findings, staff recommends APPROVAL to rezone approximately 4.26 acres, located on the south side of Orange Boulevard and opposite Stargazer Terrace, from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); (Anthony Nasko, Applicant, as supported by the Weighted Method for Determining Single-Family Residential Compatibility.



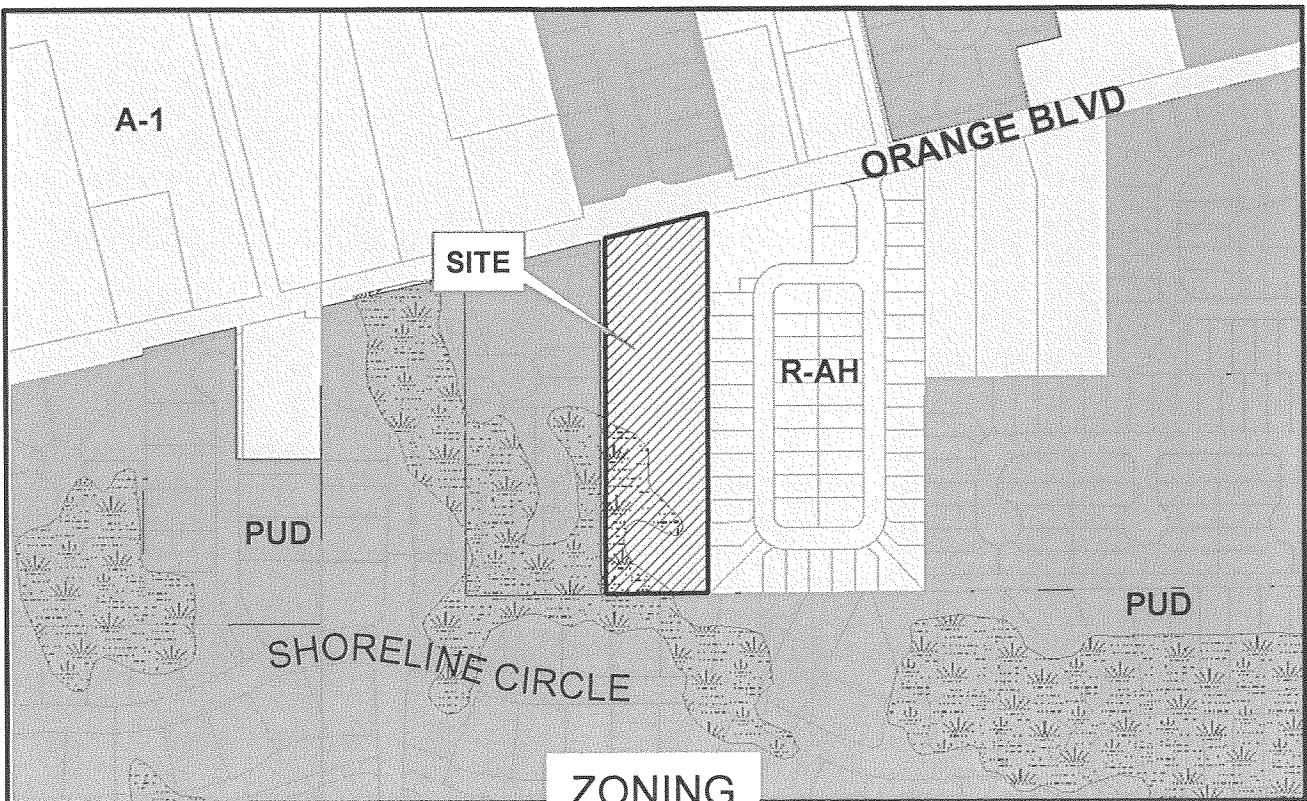
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



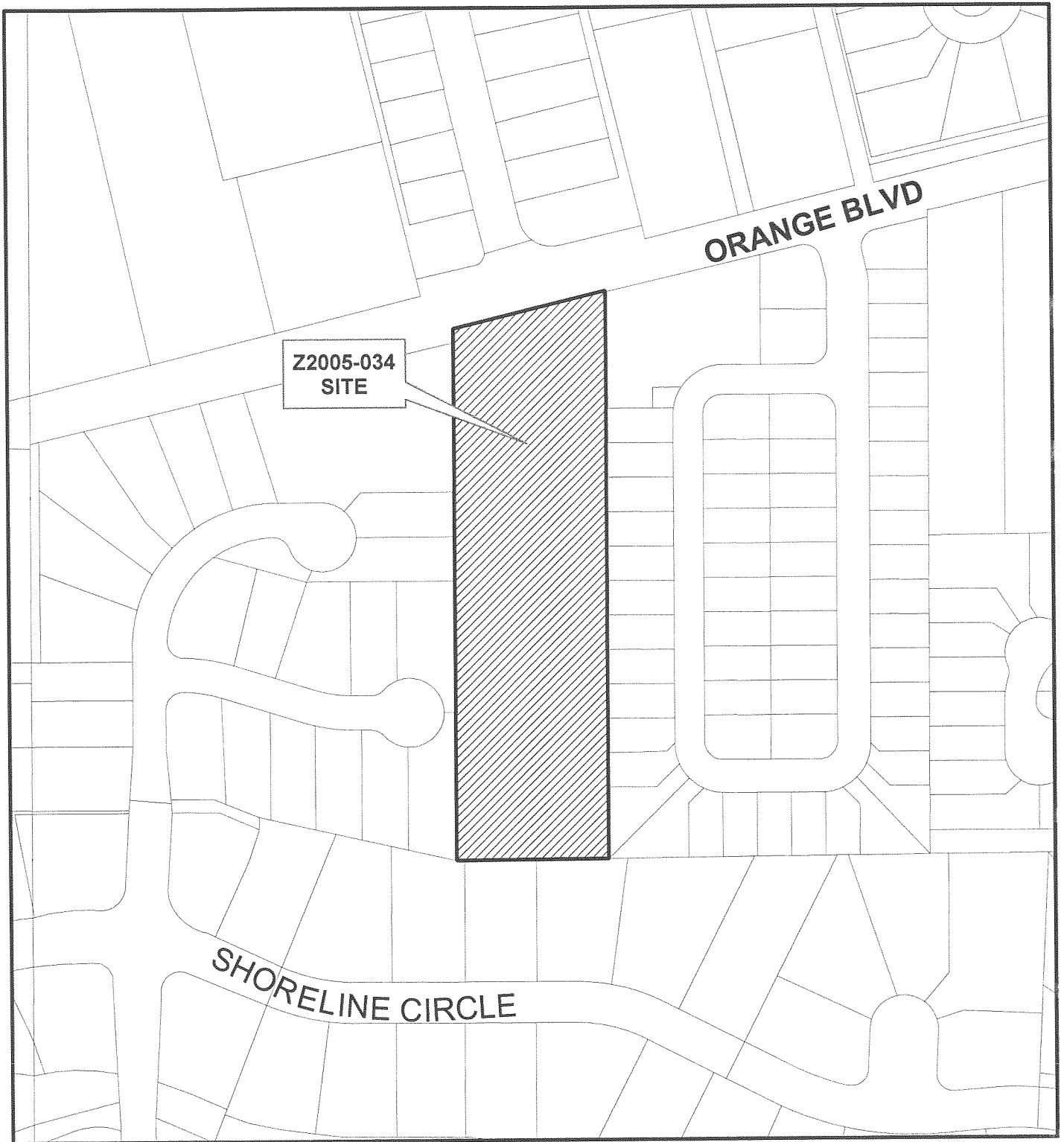
Site
 Municipality
 LDR
 MDR
 SE
 PD
 CONS

Applicant: Ludmils Antonos and Anthony Nasko
 Physical STR: 16-19-30-5AB-0600-0070
 Gross Acres: 4.08 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | ENTER NO. | FLU | FLU |
| Zoning | Z2005-34 | A-1 | R-1 |



Site
 A-1
 R-AH
 PUD
 FP-1
 W-1





Rezone No: Z2005-034
From: A-1 To: R-1

- ☐ Parcel
- ☐ Subject Property



January 2004 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Orange Boulevard Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1A (Single-Family Dwelling District):

LEG SEC 21 TWP 21S RGE 29E E 100 FT OF W 560 FT OF N 400 FT OF SE 1/4 OF SE 1/4 (LESS RD)

Section 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 27th day of September, 2005

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman



RECEIVED
JUL 11 2005

July 7, 2005

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TO: SEMINOLE COUNTY GOVERNMENT
1101 EAST FIRST STREET
SANFORD FL 32771

RE: **PROJ# 05-2000011**
"VIA FORESTA"
4945 ORANGE AVENUE

ATTN: Mr. EARNEST MCDONALD / BRIAN WALKER

Dear Sirs,
Please, be advised that we are fully in agreement and would like to
accept your recommendation for rezoning from A-1 to **R-1A**.
At this time we would like you to concenter our application for
rezoning to be for:
Rezoning: A-1 to **R-1A** instead of R-1.

Best Regards,

Anthony Nasko
Owner

Orange Blvd Rezoning

775 034